1. Introduction

These Customs Instructions replace all previous instructions concerning preserved peaches from Spain. Any queries concerning these instructions should be directed to the Trade Remedies team of the Ministry of Business, Innovation and Employment. Contact details are given at the end of these instructions.

The Minister of Commerce first imposed anti-dumping duties on imports of preserved peaches from Spain in 2011. A review of the continued need for the imposition of duties, carried out in 2016, resulted in the termination of the anti-dumping duties with effect from 23 February 2017. This decision was challenged through judicial review, and the High Court quashed the Minister of Commerce and Consumer Affairs' decision and directed MBIE to reconsider its review. The rates of anti-dumping duty in these instructions are the result of the reconsideration of the review and apply from the day after the date the Gazette notice was published.

2. Goods Subject to Anti-Dumping Duties

Description

The goods subject to anti-dumping duties are:

*Peaches in preserving liquid, in containers up to and including 4.0 kg.*

Refer to notes below for further comment.

Country of Origin

The country of origin of the subject goods is Spain.

3. Anti-Dumping Duties

Description

Anti-dumping duties are imposed in the form of ad valorem (percentage) rate for all exporters, where the amount of anti-dumping duty payable is the Customs value for duty (VFD) multiplied by the percentage rate.

Rates of duty

The rates of duty are set out for each supplier in Table 1 below.

<table>
<thead>
<tr>
<th>Spanish Manufacturer</th>
<th>Ad Valorem Rates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alcurnia Alimentacion sl</td>
<td></td>
</tr>
<tr>
<td>- 850g</td>
<td>2.5%</td>
</tr>
<tr>
<td>- 2.65kg</td>
<td>15.9%</td>
</tr>
<tr>
<td>Conservas El Navarrico</td>
<td>No duties</td>
</tr>
<tr>
<td>Other subject goods</td>
<td>7.9%</td>
</tr>
</tbody>
</table>
Method

Alcurnia Alimentacion sl

- **850 gm**: ad valorem (percentage) rate of 2.5% has been set for cans of 850 gm when entering for home consumption. This is calculated as **2.5% of the VFD**.
- **2.65 kg**: An ad valorem (percentage) rate of 15.9% has been set for cans of 2.65 kg when entering for home consumption. This is calculated as **15.9% of the VFD**.

Conservas El Navarrico

All imports of preserved peaches from Conservas El Navarrico, fitting the goods description set out in section 2, shall enter for home consumption free of anti-dumping duties.

Other Subject Goods and Other Suppliers

All imports of other can sizes from the above manufacturers, and all imports of preserved peaches from all other suppliers from Spain, fitting the goods description set out in section 2, shall be charged an ad valorem (percentage) rate of 7.9% when entering for home consumption. This is calculated as **7.9% of the VFD**.

4. Notes

General

An ALERT is in place for Tariff Item and Statistical Key 2008.70.09 00L and country of origin Spain.

Goods Description

The goods covered by the description given above are

*Peaches in preserving liquid, in containers up to and including 4.0kg.*

The following points should be noted:

- The 4.0kg weight limit refers to the *net* weight of the preserved fruit and the preserving medium in the container i.e. it includes the contents of the container only (and not the weight of the actual container). Therefore, preserved peaches with a net weight outside of the range specified in the above goods description, i.e. containers of a size greater than 4.0kg (net) are excluded and are not subject to anti-dumping duty. The goods description covers any kind of container, including cans, jars, etc.

- Preserved peaches are normally packed in various “liquid” media such as syrup, light syrup or fruit juice. Peaches preserved in a jelly are not preserved in a liquid, as a jelly is not a liquid at room temperature. Preserved peaches in jelly have therefore been excluded from the determination and are not subject to anti-dumping duty.

- Preserved peaches not covered by the determination and therefore not subject to anti-dumping duties are frozen or freeze-dried peaches.

- Peach pulp and puree are also excluded from the determination and are not subject to anti-dumping duty.

Producers

The supplier may differ from the producer. In the case of the producer Conservas El Navarrico, the goods have been supplied by XXXXXXXXXXXX. Note that the stated rate applies to imports through this supplier.

Invoiced Currency

As noted above, in normal circumstances the subject goods from Spain are invoiced in EUR. The EUR invoice should therefore be converted to NZD using the NZCS exchange rate.
The data is applicable on the date of importation for the purposes of calculating anti-dumping duty. Invoices in other currencies should also be converted to NZD accordingly.

5. Further Information

Should you have any queries regarding the operation of the anti-dumping duties described in these instructions please contact Trade Remedies as shown below:

Contact for this investigation: Susie Campbell or Mike Andrews
Direct Telephone: (04) 901 8609 or (04) 495 1267
Email: traderem@mbie.govt.nz